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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/633,842	04/10/96	WLASCHIN	S P01003US

IRELL & MANELLA
1800 AVENUE OF THE STARS
SUITE 900
LOS ANGELES CA 90067

LM51/1126

EXAMINER

COBY, F

ART UNIT

PAPER NUMBER

2771

4

DATE MAILED:

11/26/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/633,842

Applicant(s)
Wlaschin et al

Examiner
Frantz Coby

Group Art Unit
2307



☒ Responsive to communication(s) filed on Apr 10, 1996

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-13, 16, and 17 is/are rejected.

☒ Claim(s) 14, 15, and 18 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Part III DETAILED ACTION

1. This is a first office action in response to application filed on 04-10-96 in which claims 1-18 are presented for examination.

Drawings

2. This application has been filed with informal drawings which are acceptable for examination purposes only under 37 C.F.R. 1.85(b). Formal drawings will be required when the application is allowed.

Specification

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
4. According to 37 CFR 1.96(b), a computer program listing printout which is more than 11 pages long will not be printed. Applicant may submit such listing in the form of microfiche, referred to in the specification (see §1.77(c)(2)). Such microfiche filed with a patent application

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is to be referred to as a microfiche appendix. The microfiche appendix will not be part of the printed patent. Reference in the application to the microfiche appendix should be made at the beginning of the specification at the location indicated in §1.77(c)(2). Any amendments thereto must be made by way of revise microfiche. Correction is required.

Double Patenting

5. The non-statutory double patenting rejection, whether of the obviousness-type or non-obviousness-type, is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent. *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); and *In re Goodman*, 29 USPQ2d 2010 (Fed. Cir. 1993).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(b) and © may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.78(d).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-18 are rejected under the judicially created doctrine of obviousness-type double patenting as being

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unpatentable over claims 1-56 of U.S. Patent No. 08/383,752. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to have included fields cell that include references corresponding to columns in view of the information defining each columns.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-8, 10, 12-13, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Earle U.S. Patent no. 5,359,724.

As per claims 1, 6, 10 and 16, Earle disclosed a storage and retrieval system for data in a computer system including means for configuring memory according to a logical table (figure 2); a plurality of rows where each row has an identification number (see indexes 5-19 of figure 2); a plurality of columns

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where each column has an identification number (column indexes 1-18 of figure 2); and at least one the rows has an identification equal to the that of a corresponding column (see rows and columns 5-18 of figure 2).

Earle's system would have been inherently implemented in a computer that includes a central processing unit and a display. Earle did not specifically disclosed whether one row comprises a template that includes a description cell that describes the template including a field cell that includes a plurality of references to a corresponding plurality of labeled columns. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included fields cell that include references corresponding to columns in view of the information defining each column.

As per claim 2, the limitations of this claim have been noted in the rejection of claim 1 above. Although Earle did not specifically detail whether each cell in a row contains information related to the column. However, it is inherent that Earle's system contained the aforementioned limitation because in a row, each cell that intersects a column would have contained information related to the column.

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As per claims 3-5, the limitations of these claims have been noted in the rejection of claims 1, 6 and 10 above. In addition, the step of performing an operation such as editing, printing, searching, and exporting on data within the column (col. 1, lines 38-44). Note that Earle's spreadsheet of figure 1 shows that if the entry for sales or cost of or goods sold is changed, the computer can recalculate the data which depends on the change of the data. This is clearly an operation performed on the data.

As per claim 7, the limitations of this claim have been noted in the rejection of claim 2. It is therefore rejected as set forth above.

As per claim 8, the limitations of this claim have been noted in the rejection of claim 6 above. Although Earle did not specifically disclose a query for the purpose of retrieving data in his system. A flowchart for the retrieval of data is shown in Earle's figure 8. Therefore, it is inherent that a query must have been existed in Earle's system in order for data to be retrieved.

As per claim 11, the limitations of this claim have been noted in the rejection of claims 10 above. In addition, Earle's method includes a pointer to an index record and an index method

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including the step of searching and creating index record (col. 4, lines 12-31).

As per claims 12-13, the limitation of these claims have been noted in the rejection of claims 1, 6, 10 and 16 above. In addition, Earle disclosed the step of locating indexes according to a user query including the index record pointer (col. 4, lines 12-31).

As per claim 17, the limitations of this claim have been noted in the rejection of claims 12-13. It is therefore rejected as set forth above.

9. Claim 9 are rejected under 35 U.S.C. § 103 as being unpatentable over Earl (U.S. Patent no. 5,359,724) in view of Khoyi et al (U.S. Patent no. 5,421,012).

As per claim 9, the limitations of this claim have been noted in the rejection of claims 1, 6, 10 and 16 above. Earle did not specifically detail a folder type row that includes a plurality of pointers. However, Khoyi et al. disclosed a data retrieval system including a cell that contains a pointer to the folder type row (col. 10, lines 41-65; col. 11, lines 1-2).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the cited references because they are both directed to storage and retrieval of data in a computer system and are both from the same field of endeavor. One of ordinary skill in the art at the time of the invention would have been motivated to have combined the above references because that would have increased the speed of accessing the memory and the amount of memory needed to store data would have been minimized.

Allowable Subject Matter

10. Claims 14-15 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
11. The following is an Examiner's statement of reasons for the indication of allowable subject matter: In claims 14-15 and 18 the step of weighing, filtering key words and retrieving cells according to pre-defined criteria including hypertext in conjunction with the limitations of the independent claims were not shown by, would not have been obvious over,

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nor would have been fairly suggested by the prior art made of record.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nemoto et al. (U.S. Patent no. 5,564,046) disclosed a method and system for creating a database dividing text data into nodes which can be corrected.

Shin et al (U.S. Patent no. 5,557,787) disclosed a table generating apparatus employing heading, layout, and table script data.

Li et al. (U.S. Patent no. 5,553,218) disclosed a graphical user interface for relating key index properties to database table columns.

Suzuki et al. (U.S. Patent no. 5,537,633) disclosed a table data entering device.

Oka (U.S. Patent no. 5,537,591) disclosed a method and apparatus for forming a file management system diagram.

Tanaka et al. (U.S. Patent no. 5,375,237) disclosed a computerized method of creating a convenient dictionary representing data structures for use by a plurality of program products.

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Burnett et al. (U.S. Patent no. 5,459,860) disclosed a computerized system and process for managing a distributed database system.

Palmer (U.S. Patent no. 5,305,389) disclosed a predictive cache system.

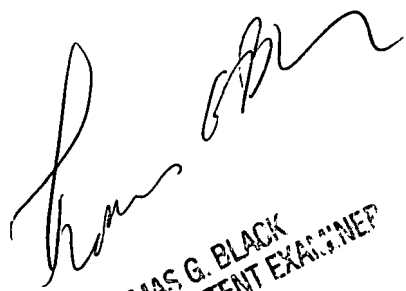
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz Coby whose telephone number is (703) 305-4006. The examiner can normally be reached on Monday through Thursday from 7:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (703) 305-9707. The FAX phone number for this Group is (703) 308-5357.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Frantz Coby

November 4, 1997


THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 2300

IMPORTANT NOTICE

Effective November 16, 1997, the Examiner handling this application will be assigned to a new Art Unit as a result of the consolidation into Technology Center 2700. See the forth coming Official Gazette notice dated November 11, 1997. For any written or facsimile communication submitted **ON OR AFTER** November 16, 1997, this Examiner, who was assigned to Art Unit 2307, will be assigned to Art Unit 2771. Please include the new Art Unit in the caption or heading of any communication submitted after the November 16, 1997 date. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.